



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 29, 1998

Mr. Robert J. Young
Legal Counsel
Dallas County Community College
701 Elm Street
Dallas, Texas 75202-2470

OR98-2335

Dear Mr. Young:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 118708.

The Dallas County Community College (the "college") received an open records request for documents revealing the names of individuals designated as beneficiaries of a college employee's retirement, life insurance, and benefit plan. You inform this office that no records exist with regard to a beneficiary for a "benefit plan." You seek to withhold the remaining information pursuant to section 552.102 of the Government Code in conjunction with the common-law right of privacy.

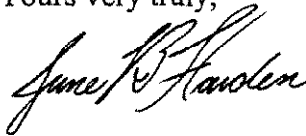
Section 552.102(a) of the Government Code protects from public disclosure "information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy" The test for section 552.102(a) protection is the same as that for information protected by common-law privacy under section 552.101: the information must contain highly intimate or embarrassing facts about a person's *private* affairs such that its release would be highly objectionable to a reasonable person *and* the information must be of no legitimate concern to the public. *Hubert v. Harte-Hanks Texas Newspapers, Inc.*, 652 S.W.2d 546, 550 (Tex. App. - Austin 1983, writ ref'd n.r.e.).

We agree that the information you have marked in "Form No. 1" is protected by common-law privacy under section 552.102 because it reflects the personal financial decision of the college employee as to the identity of insurance and retirement beneficiary.

See generally Open Records Decision No. 600 at 10, 11 (1992).¹ Accordingly, the city must withhold this information from the public. Similarly, although the college must withhold the same type of information contained in "Form No. 2," we conclude that the remainder of this document must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



June B. Harden
Assistant Attorney General
Open Records Division

JBH/RWP/ch

Ref.: ID# 118708

Enclosures: Marked documents

cc: Ms. Emilia Gay Griffith Means
3255 Old Mooringsport Road
Shreveport, Louisiana 71107
(w/o enclosures)

¹We also note that the employee's home address and social security number must be withheld pursuant to section 552.117(1) of the Government Code if the employee had elected to keep this information confidential in accordance with section 552.024 of the Government Code prior to the college's receipt of the current open records request. *See* Open Records Decision No. 530 (1989) (character of requested information as public under statutory predecessors to sections 552.024 and 552.117 is determined as of time request for information is made).